HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 2556(S/S)2001
(Old no. 17296/1995)

1. Malhoo Singh S/o Sri Sukhram Singh,
   Resident of village Alipur, Post Bahadarabad,
   Tehsil and District Haridwar,
2. Vimal Ram S/o Sri Chintamani,
   Resident of House no. A-150/2/1 BHEL Ranipur,
   Haridwar, Pargana Jwalapur,
   Tehsil and District Haridwar. ---- Petitioners.

Versus

1. State of U.P., through the Secretary,
   Revenue Department, Govt. of U.P.,
   Lucknow,
2. The Collector, Haridwar,
3. The Sub Divisional Officer,
   Tehsil & District Haridwar, ----Respondents.

Sri Pankaj Miglani, learned counsel for the petitioner.
Learned Standing Counsel for the respondent/State of Uttaranchal.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Miglani, learned counsel for the petitioner and learned Standing Counsel for the State of Uttaranchal/respondents.

2. This writ petition has been filed by the petitioners for the following reliefs:-

a. Issue a writ of mandamus commanding the respondents to absorb or regularize the services of petitioners in the regular vacancy of Collection Amin in District Haridwar, and further they be directed to pay their salary regularly,

b. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

c. Award cost of this writ petition to the petitioners.

3. During the course of argument, learned counsel for the petitioner has submitted that the petitioner no. 2 has already resigned from service, as such, the writ petition has become infructuous, so far the petitioner no. 2 is concerned.

4. Submission of the learned counsel for the petitioner is that the petitioner was appointed as Seasonal Collection Amin in the respondents' establishment w.e.f. 01.08.1979 and since then he is continuously working as Seasonal Collection Amin. The work and conduct of the petitioner was always been excellent. The petitioner belongs to the Scheduled Caste, and he has passed Intermediate Examination in the year 1975, thus he is fully qualified to be considered for regular appointment on the post of Collection Amin under 35% quota as prescribed by the G.O. issued by the Govt. Further the petitioner is also entitled to be appointed under the Scheduled Caste Quota, prescribed by the Govt. in this regard. Counsel for the petitioner has further submitted that 14 posts of the Collection Amins are vacant in the district of Haridwar and the petitioner may be considered against those posts.

5. In the circumstances, I think it just and proper to direct the respondent no.2, i.e. the Collector, Haridwar, to consider the claim of the petitioner no. 1, namely Malhoo Singh, for his regular appointment on the post of Collection Amin under 35% quota, from amongst Seasonal Collection Amins, as prescribed

by the Govt. itself within a period of three months from the date of production of a certified copy of this order in case the posts are vacant.

6. With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 14,2006:
NCM: